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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,146	10/14/2004	Masami Kujirai	2004-1547A	1988
513 7590 10/22/2009 WENDEROTH, LIND & PONACK, L.L.P. 1030 15th Street, N.W., Suite 400 East Washington, DC 20005-1503				
EXAMINER MOORE, MARGARET G				
ART UNIT		PAPER NUMBER		
1796				
MAIL DATE		DELIVERY MODE		
10/22/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/511,146

**Applicant(s)**

KUJIRAI, MASAMI

**Examiner**

Margaret G. Moore

**Art Unit**

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

1. Applicants' response dated 6/15/09 has been entered. The Examiner agrees with applicants that the 112, second paragraph, rejection was mistaken. This has been withdrawn. Currently claim 25 is the only claim under consideration.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Havey et al.

The basis for this rejection is maintained from previous office actions. Applicants have amended the silane formula (I) such that it excludes the tetraalkoxysilane of Havey et al.

Applicants rely on the phrase "consisting essentially of" to distinguish the claims from the prior art. As detailed in the previous office action, applicants intend for this language to exclude the tetrafunctional silane in Havel et al., as well as the alcohol solvent. Starting on the bottom of page 2 of the previous office action, the Examiner noted various reasons why the showings provided are not sufficient to establish that these components affect the basic and materially properties of the claimed composition. These reasons are maintained. The Examiner notes that the reply dated 6/15/09 does not specifically address any of the points raised by the Examiner.

Applicants also note that Havey et al. do not teach a method of preventing radiation from a glass which has absorbed solar radiation heat in the manner claimed. The Examiner has already addressed the obviousness of this difference.

In view of this applicants' response is insufficient to overcome the rejection over Havey et al.

4. Claim 25 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Howes.

This rejection relies on the rationale noted in the previous office action. Applicants' traversal is not persuasive. Applicants argue that the organosilane ester mixture

of Howes is used for an adherent material in order to adhere a glass sheet with a cured resin layer. The Examiner agrees. What one must consider, then, is the language found in applicants' claim "the outermost layer substantially on the entire surface". Applicants state in the remarks filed 11/13/07 that this means that the coating film is used without any further coating onto the film. The adhered cured resin layer in Howes is not a coating, but a molding or a "laminated cured resin layer shaped within a mold cavity" (column 10, line 7) that is applied to a part of the surface. This decorative molding is different from a coating. In view of this the Examiner does not believe applicants' arguments establish a novel and unobvious difference between the claims and the prior art.

5. Claim 25 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Avery et al.

This rejection relies on the rationale noted in the previous office action. Applicants' traversal is not persuasive. They state that Avery does not teach or suggest anything about a method of preventing heat radiation from a glass which has absorbed solar radiation heat. The Examiner notes that the prior art need not teach this specific intent for the method, it need only teach or suggest the method steps per se. The ability of the coating in Avery et al. to absorb heat is an inherent property therein. In addition while not specifically teaching coating window glasses per se, Avery et al. render obvious such a method. Note that the composition therein can be used to clean surfaces, for instance in the bathroom or kitchen (column 14, line 23) and the skilled artisan would have found the surface treatment of a window in the bathroom or kitchen to have been obvious.

6. Applicants' response has overcome many of the prior art rejections. The Examiner notes that, upon reconsideration, the rejection over Isoda et al., as it applied to claim 25, has been withdrawn. There is not adequate suggestion to apply the composition therein to one side of a glass which has (or will in the future) absorbed solar radiation heat.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret G. Moore whose telephone number is 571-272-1090. The examiner can normally be reached on Monday and Wednesday to Friday, 10am to 4pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Margaret G. Moore/  
Primary Examiner, Art Unit 1796

mgm  
10/21/09